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SENSITIVE

AF/W FOR PARK
DRL FOR TOMLYANOVICH

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SUBJECT: NIGERIA: POST'S RESPONSE TO V1 OF NIGERIAN HRR

REF: A. A) STATE 15375

1B. B) KAPLAN/PARK EMAIL 7FEB02

11. (U) SENSITIVE BUT UNCLASSIFIED - ENTIRE TEXT.

12. (U) The following includes the full text of the V-1 human rights report as amended by Post. We know and did not ignore refteel request that post only send the text of responses keyed to the questions/comments contained in the V-1. We have answered these questions to the best of our ability and resources. However, due to the number of questions and because of the additional significant edits and changes to the V-1 text that were required to ensure its accuracy, it is necessary to send the entire text. To assist Washington in following the changes that post has made, we have also emailed a "tracked" version of the document.

13. (SBU) Begin Text of Report.

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. On May 29, 1999, President Olusegun Obasanjo of the Peoples Democratic Party was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties. However, most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. The Constitution provides for an independent judiciary; however, in practice the judicial branch remains susceptible to executive and legislative branch pressure, is influenced by political leaders at both the state and federal levels, and suffers from corruption and inefficiency.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). "Rapid Response Teams" remained intact in most states. Staffed by police, these teams had a reduced role and a less menacing presence than in previous years. Due to the inability of the police to stem severe communal violence on repeated occasions, The Government's reliance on the army to quell internal disorder increased during the year. Members of the security forces, including the police, anticrime squads, and the armed forces committed serious human rights abuses.

The economy, which had been in decline for much of the last three decades, recorded modest growth of 3.8 percent during 2001. Further economic growth has been impeded by the long-standing problems of a dilapidated infrastructure, corruption and general economic mismanagement. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. The agricultural sector employed over 65 percent of the work force but accounted for only 36 percent of gross domestic product. The agriculture and manufacturing sectors deteriorated considerably during the oil boom decades and years of military rule. The collapse of market agriculture contributed significantly to the country's urbanization and increased unemployment. Recorded gross domestic product was \$285 (N31,426) but the great bulk of economic activity is outside the formal sector. Due to corruption, nontransparent government contracting practices and structural inadequacies, much of the nation's wealth continued to be concentrated in the hands of a small elite. During the year, petroleum accounted for over 98 percent of the country's export revenues, most of the government's revenues, and almost all foreign investment. The country's ports and roads are in disrepair while water and power infrastructures are inadequate to meet demand. However, the Federal Government and various states have begun improving infrastructure with some success, such as the privatization

of NITEL, the auction of two GSM licenses to private operators, the rehabilitation of power plants and the move towards buy-operate-transfer contracts and independent power projects (IPPs).

Chronic fuel shortages, which afflicted the country for several years, have been mostly alleviated by the improved operation of domestic refineries and the recent move toward price deregulation. Food production improved during the year due in part to record rainfalls; however, poor transportation infrastructure and road closures resulting from an increase in inter-communal violence caused much agricultural produce to be lost. During 2001, the Government made progress in reducing controls on the private sector and increased expenditures for key social sectors. The Government moved to deregulate the downstream oil sector, reduced its role in private banking institutions, eliminated the telecommunications monopoly, and deregulated the domestic aviation industry. Also, Government budget allocations to education increased by 13 percent and 6 percent for recurrent and capital expenditures respectively. Allocations for health increased by 58 percent and 178 percent for recurrent and capital expenditures respectively. Nevertheless, a significant percentage of the country's population lived in poverty and many Nigerians were subject to malnutrition.

The Government's human rights record was mixed; although in marked improvement over the record of the preceding military regimes, there were serious problems and abuses. Civil liberties were mostly respected and the everyday behavior of security forces was better than under preceding military regimes. However, there were many instances of civilian instigated communal violence during the year. The military was called on to restore order in several major incidents of civil unrest or conflict-- such as Jos, Tafawa Balewa, Kano, Warri and in the Tiv-Jukun conflict in Benue, Nasarawa and Taraba states -- and in many other occurrences of communal violence of lesser magnitude. While deployment of security forces may have contained the violence and saved lives in many of these instances, the national police, army, and security forces committed extrajudicial killings and often used excessive force in quelling these episodes of civil unrest and violence. In the year's most egregious case, army soldiers reportedly killed approximately 200 unarmed civilians and destroyed much of the town of Zaki Biam in Benue State in apparent retaliation for the killing of 19 soldiers. Army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were no reports of torture of political dissidents. The Government continued to take steps to curb torture and beating of detainees and prisoners. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning. Two amputation sentences were carried out during the year. In September, two persons, Mohammed Wada and Adamu Idi, were found guilty of theft and sentenced to amputation by a Shari'a court in Katagum, Bauchi State, but the sentences were not carried out. No sentences for stoning were implemented. Prison conditions were harsh and life threatening, and along with the lack of food and medical treatment, contributed to the death of numerous inmates. At different times in the year, the Government released several hundred prisoners in an attempt to ease prison congestion. In May 1999, the Government repealed the State Security (Detention of Persons) Decree of 1984 (Decree 2), which allowed arbitrary detention without charge; however, police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remains a major problem. The judiciary is subject to political influence, and is hampered by corruption and inefficiency. The judicial system often was incapable of providing a criminal suspect a speedy, fair trial. With some exceptions, the Government respected freedom of speech and of the press. The Government continued to relax its restrictions on the rights of freedom of association and assembly. The Government occasionally restricted freedom of movement, particularly during periods and in areas of unrest. Some state governments, restricted freedom of religion in certain respects. Expansion of Shari'a raised tensions in several communities and resulted in violence in some instances. In 1999 the Government established the Human Rights Violations Investigation Panel (HRVIP), to review cases of human rights violations since 1966; public hearings before the panel in Abuja, Lagos, Kano, and Port Harcourt occurred during the year and the Panel's report is due in early 2002.

Domestic violence against women remained widespread and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread and interethnic, religious, and regional

tensions increased significantly. Thousands of persons were killed in various local communal conflicts throughout the country. In June and July, more than 200 people were killed in inter-communal clashes in Nasarawa State over access to land. In September, several hundred people, mostly Muslims, were killed in Jos. Also in October, fighting in Kano state resulted in the deaths of approximately 100 persons initially sparked by local street thugs, the unrest in Kano later took on ethnic and religious overtones. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who seek greater local autonomy continued to commit serious abuses, including killings and kidnappings. During the year, the Government took steps to improve worker rights; however, some restrictions continued. Some persons, including children, were subjected to forced labor. Overall, child labor continued to increase. Trafficking in persons for purposes of forced prostitution and forced labor was a problem and allegations of government officials' involvement were widespread. Vigilante violence increased throughout the country, particularly in Lagos and Onitsha, where suspected criminals were apprehended, beaten, and sometimes killed.

During 2001, the Federal Government inaugurated the National Action Plan for Human Rights Steering Committee (including Ministers of Justice, Foreign Affairs, Internal Affairs, Women and Youth Development, Labor, and Senate and House Chairmen of the National Assembly Human Rights Committees) and Coordinating Committee. As part of the National Action Plan, the Committees will assess and report on human rights in Nigeria, and make and implement recommendations to improve human rights.

Respect for Human Rights

Section 1 Respect for the Integrity of the Person, Including Freedom From

a. Arbitrary or Unlawful Deprivation of Life

The Government did not use deadly force to repress nonviolent, purely political activities; however, lethal force was used when protests or demonstrations were perceived as becoming violent or disruptive, or in the apprehension and detention of suspected criminals. As a result, national police, army, and security forces committed extrajudicial killings and used excessive force to quell civil unrest in several incidents during the year. State anticrime task forces remained the most frequent human rights offenders. However in most cases where abuses were committed, neither the state anticrime task forces, the police, nor the armed forces were held accountable for excessive, deadly use of force or the death of individuals in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Since taking office, President Obasanjo has preferred to let the police deal with civil disturbances, sending in military reinforcements only when the police were unable to restore order. The Government deployed the army numerous times during the year to restore order after civil unrest. While the army proved capable of restoring order, it was ill trained to handle civil unrest and other related police work. Due in part to this lack of training, the military committed numerous abuses while performing this role. Multinational oil companies and Nigerian oil producing companies subcontract police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region. Freelance security forces and former security forces accounted for a significant portion of the violent crime during the year.

The police, military, and anticrime taskforce personnel committed numerous extrajudicial killings in the apprehension and detention of suspected criminals. Police used deadly force against suspected vandals near oil pipelines in the Niger Delta Region, against the Oodua Peoples Congress (OPC) vigilante group in Lagos State and, allegedly, against participants in the Jos and Kano riots that took place in September and October, respectively.

In February police reportedly killed 10 persons and destroyed the headquarters of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) in Okigwe; several MASSOB leaders, including Ralph Uwazuruike, were arrested (see Section 1.d.).

Also in February, outside the main mosque in Gombe state, police killed several persons while dispersing Muslim protesters who reportedly were attacking and damaging buildings, such as the police barracks. There were unconfirmed reports that police reportedly shot and killed 22 detainees who attempted to escape from Jos prison during the September disturbances in Jos.

In December, police and members of a militant Islamic group clashed when the police attempted to stop the group from holding a march in Kano. Several members of the group were killed during the confrontation.

There were only a few instances where policemen were held to account for their abuses. For example, three policemen in Kogi state were sentenced to death in April by hanging after being found guilty of theft and murder. The policemen were accused of stopping a car, killing five persons, and stealing the passengers' money. The sentence had not been carried out by year's end.

During the year, ethnic and religious tensions increased in parts of Nigeria. The Government often called on the military when the tension turned violent. The Government deployed the army in Jos in Plateau State to quell a major outburst of ethno-religious violence that claimed approximately 2300 lives before it was ended, in large part due to the presence of the military. By October, army troops were maintaining order in Kaduna, Jos, Tafawa Balewa, Kano, and a significant part of eastern Benue, eastern Nasarawa and western Taraba states. There were credible reports that in some of these deployments, soldiers used excessive lethal force while attempting to end the unrest. The number of total casualties resulting from the use of excessive force by security forces is unknown but most sources believe that far fewer lives were lost in suppressing the violent outbreaks than were lost during the outbreaks themselves.

However, on October 22 and 23, evidence strongly indicates army soldiers killed approximately 200 ethnic Tiv civilians and ransacked the town of Zaki Biam in Benue State in retaliation for the slaying of 19 soldiers allegedly by members of the ethnic Tiv militia. Reportedly, tens of thousands fled the area as a result of the violence, adding to the number of internally displaced people in that region of the country. The Government announced the establishment of a commission of inquiry to investigate the killings, but by year's end the commission had not been inaugurated. Also in October, several hours after the conclusion of a peaceful demonstration against U.S. military action in Afghanistan, rioting broke out in the largest marketplace in the city of Kano. While sparked by street thugs initially, the violence later took on religious and ethnic overtones; 100 persons were killed and dozens of shops and cars were damaged. Finally the army was called out to restore order. Some citizens alleged that the army and police used excessive and lethal force and that several deaths came at the hands of the security forces. In November police reportedly charged more than 200 persons in connections with the clashes.

According to Human Rights Watch, soldiers, naval personnel, and paramilitary Mobile Police deployed in the oil and gas regions of the Niger Delta carry out assaults and other abuses on an ongoing basis (see Section 5). According to Human Rights Watch, the police shot on sight suspected armed robbers, alleged members of ethnic militia, and youths in the Niger Delta Region accused of stealing oil and vandalizing facilities.

Confrontations between increasingly militant "youths" (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year. In June in the Khana local government area, mobile police shot and killed an allegedly unarmed Ogoni man. In July a police officer protecting oil contractors in Bayelsa State killed a local youth, reportedly after the youth tried to disarm him.

Violence and lethal force at police roadblocks and checkpoints decreased during the year; however, some instances of such violence continued. In August, the Abakaliki police (headquarters for Ebonyi State), killed four members of the People's Democratic Party (PDP) at a checkpoint. The victims included the chairman of the Ishielu Local Government, Onyebuhi Eche, Ifeanyi Nnanji, Gbonna Odembaigwe and Uche Frank. During the year, an upsurge in violent crime in Lagos led to an increase in the number of roadblocks and checkpoints at major intersections, without an increase in police misconduct or violence (see Section 2.d.)

Harsh and life threatening prison conditions and denial of proper medical treatment contributed to the death of numerous inmates (see Section 1.c.) Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. There were reports that police killed persons suspected of belonging to the

Oodua Peoples Congress (OPC) if they found ceremonial cuts or marking on the detainees' backs.

There were no reports of any investigation or action taken against the police in Lagos, who reportedly killed 509 suspected armed robbers and injured 113 robbery suspects, during the course of making 3,166 arrests; not all of those killed were OPC members.

There were no developments in the May 2000 alleged killing by security forces of a young woman who obstructed the motorcade of Lagos Deputy Governor.

No action was taken against the members of the security forces responsible for killing the persons in the following cases from 2000: The August killing of a Nnamdi Azikiwe University student; the July killing of 1 person when a demonstration was dispersed forcibly; the July killing of 1 person when a strike was dispersed forcibly; the June killings of 2 persons in Abuja; the June killings of five persons for suspected vandalism; April and March killings of 28 Delta youths near oil flow stations.

The Human Rights Violations Investigation Panel (HRVIP), also known as the Oputa Panel, continued hearings during the year into 150 cases of killings by members of the security forces (see Section 4.) The Panel's report is expected to be released early in 2002. In 2000 the Civil Liberties Organization (CLO) (a credible human rights organization) filed a petition with the National Human Rights Commission and the Oputa Panel concerning the 1999 death in detention of Godfrey Opuoru. Sunday Aghedo, the Lagos state police commissioner under whose command the death occurred, was replaced by Mike Okiro in 1999. Despite an order from the Oputa Panel to the police to reinvestigate the case, there was no evidence they had done so by year's end. The Government did not address the 1999 leveling of Odi in Bayelsa State by federal troops. The Government did not hold accountable any of the officers or soldiers involved in the destruction of the town and the killing of several hundred inhabitants; there were newspaper reports that some of the soldiers were promoted. Trials against Keniwer Imo Neweigha, Monday Diongoli, Timi Epengele, Onoriode David, Ebi Clifford Saibu, Derioteidou Aganaba, Timinepre Keren, Joshua Godspower, John Zitua, and Benson Odiowei for the alleged murders of 12 policemen and 6 civilians that sparked the Odi incident, were ongoing at year's end. When the prosecution could not produce Odiowei for trial in 2000, the case was postponed to a later date.

The prosecution of Hamza al-Mustapha, Mohammed Abacha, Mohammed Rabo Lawal, Lateef Shofalan, Mohammed Aminu and Sergeant Rogers Mshiella for the 1996 murder of Kudirat Abiola, a prominent democracy activist and the wife of Moshood Abiola, was adjourned repeatedly during the year; defense lawyers for each individual had filed numerous motions for adjournment in the Lagos High Court.

In 1999 the trial against former Army Chief of Staff Ishaya Bamaïyi for the attempted murder in 1996 of Guardian newspaper publisher Alex Ibru began. Hamza al-Mustapha, former Lagos Police Commissioner James Danbaba, and Colonel Jubrin Bala Yakubu, also were charged in the attempt on Ibru but their trials were pending at year's end. All of the defendants were being held at Kiri Kiri maximum-security prison at year's end.

On August 19, unknown assailants shot and killed Rivers State Assemblyman Monday Ndor outside his residence.

In December Osun State Lawmaker Odunayo Olagbaju was killed in political violence.

On December 23 in Ibadan, Justice Minister Bola Ige was killed in his home in what most believed as a politically motivated assassination. By year's end, police reportedly detained a 27-year-old man who confessed to being a member of an eight-man gang that shot Ige in exchange for \$8,960 (1 million naira). The suspect's mental state has been questioned and he was released. There has been widespread speculation that Ige and others were killed in connection with the political dispute between the Osun State Governor, Bisi Akanda, and Osun State Deputy Governor, Iyiola Omisore.

In Anambra State, the state government supported and paid the vigilante group known as the Bakassi Boys. Like most

vigilante groups, the Bakassi Boys killed suspected criminals rather than turn them over to police; however, in some cases, the Bakassi Boys have chosen to mutilate alleged criminals, rather than killing them outright. They also were accused of harassing and threatening political opponents of the state government. On May 29, the Bakassi Boys tortured and killed between 25 and 36 suspected criminals in Onitsha. They reportedly stabbed them with machetes and knives as bystanders cheered; the victims' bodies were then set on fire. In July members of the Bakassi Boys hacked to death four suspected armed robbers in Imo state.

There also were numerous reports of street mobs apprehending and killing suspected criminals. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

In early April in Osun State, mobs lynched approximately 12 persons accused of making genital organs disappear. In one incident on April 6, a resident reportedly announced that his penis had disappeared while members of an Evangelical Christian group were preaching door-to-door; an angry mob descended on the evangelists and burned eight of them to death.

On October 4, 4 persons were killed and 19 were injured critically during violent clashes between supporters of the All People's Party (APP) and People's Democratic Party (PDP) in Gusau, Zamfara State.

In addition to the incidences of ethno-religious violence in Jos, Kano and Benue, Nasarawa and Taraba States, there were other incidents where citizens lost their lives due to communal fighting. On November 3 and 4, at least 10 persons reportedly were killed in Gwantu, Kaduna state. In this instance, the formal institution of a modified form of criminal shari'a law in Kaduna State added to the tension long present in a feud between two rival local leaders that was the primary spark of the unrest.

In Taraba State a dispute between Fulani herders and Tiv farmers reportedly resulted in eight deaths. In December, competition over land use between ethnic Hausa-Fulani herders and ethnic Birom farmers turned violent and resulted in at least 30 and perhaps as many as 90 deaths, mainly Hausa-Fulani.

Communal violence in the Niger Delta decreased during the year, but ethnic rivalries and disputes between local communities over resources still led to deadly clashes. In July fighting between the Akaeze and Osso Edda communities in Ebonyi State resulted in the deaths of 27 persons.

In the Kalabari region of Rivers State, between 20 and 100 persons were killed in fighting among three Ijaw communities: the Bille and Krakrama.

In the east, violent border disputes between Cross River and Akwa Ibom states continued during the year.

In Lagos State, the vigilante group known as the OPC clashed repeatedly with the police over their protection of Yoruba neighborhoods and over political issues. The OPC continued to function as a vigilante anti-crime force despite President Obasanjo's "shoot-on-sight" order issued against them in 1999. During the year, there were fewer OPC vigilante killings than in previous years, but OPC-related violence did occur. On August 16, the OPC reportedly beheaded four suspected robbers and set their bodies on fire in Lagos state. The OPC also reportedly crucified a man in the Surelere district of Lagos.

In August Ganiyu Adams, a leader of the OPC, was arrested and charged in Lagos state with murder and robbery; Adams had been wanted by the police since 1999 riots sparked by the OPC. In September, the OPC announced that it would stop its vigilante activities. In October, Adams again was arrested and charged with murder, stealing, robbery, and illegal possession of firearms; on October 30, he was released on \$85 (20,000 naira) bail.

During the year, members of student organizations, commonly known as cults, occasionally killed students from rival

organizations.

Killings carried out by organized gangs of armed robbers remained commonplace throughout the year. A gang of at least 30 armed robbers reportedly killed 22 residents in the town of Awkuzu on July 28, allegedly in retaliation for the executions of suspected criminals by the Bakassi Boys earlier in the year.

b. Disappearance

There were no reports of politically motivated disappearances during the year; however, in 2000 the OPC charged that the police were responsible for the disappearance of at least two of its members.

Members of minority ethnic groups in the oil-producing areas kidnapped foreign and local oil company employees to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation and for specific projects in their areas. In all instances the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions.

In addition to the political rationale for kidnapping, there were numerous instances of strictly criminal kidnapping, in which the perpetrators' sole objective was ransom for the release of the victims. During the year, there were a greater number of kidnappings by criminals to extort money than for "political" reasons. Some kidnappings, particularly in the Delta, appear to have been part of longstanding ethnic disputes over resources. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so that kidnappings routinely were left uninvestigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such abuses, and the law provides for punishment for such abuses; however, during the year, army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. The law prohibits the introduction into trials of evidence obtained through torture.

Different versions of criminal Islamic Shari'a law were in place in 12 northern states by year's end (see Section 1.e.). Shari'a courts delivered "hadd" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning. Appellate courts have yet to decide whether any of these punishments constituted "torture or... inhuman or degrading treatment" as stipulated in the Constitution. Caning as a punishment under Nigerian common law, the Northern Nigerian Penal Code, and Shari'a law has not been challenged successfully in the court system prior to the introduction of Shari'a law as a violation of the cruel and inhuman punishment clause in the Constitution. Stoning and amputation also have not been challenged under the Constitution. There were two amputations carried out during the year despite a larger number of sentences. Shari'a courts handed down their first death sentences during the year. As with the common law criminal courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced (there is a period of appeal granted to all accused). The Federal Government has instituted a panel of legal scholars to draft a uniform Shari'a criminal statute to replace divergent Shari'a statutes adopted by the states.

In September an Islamic court in Kebbi state sentenced a man to be stoned to death for sodomizing a 7-year-old boy (see Section 5). The sentence has not been carried out and he is still in custody.

On May 3, Lawal Isa had his right hand amputated in Zamfara for stealing three bicycles. On July 6, the right hand of Umaru Aliyu was amputated in Sokoto for the theft of a goat. In July a Shari'a court in Kebbi state sentenced a 15-year-old boy to amputation of one of his hands for

stealing \$286 (32,000 naira) from a businessman. In August a Shari'a court in Zamfara state sentenced Amina Abdullahi to 100 lashes for having an extramarital affair.

Bariya Ibrahim Magazu, a 17-year-old girl, was given 100 cane strokes in January, following her September 2000 conviction of fornication and slander. She also was sentenced to an additional 80 lashes for naming in court but not being able to prove paternity of the child; however, the additional 80 lashes were not administered. Prior to the execution of the sentence, Baobab, a Nigerian human rights NGO, filed an appeal on her behalf.

In Sokoto, Safiya Hussein was convicted of adultery in September by a local Shari'a court which found her pregnancy to be conclusive proof of adultery. She was not married at the time of her pregnancy. Hussein was sentenced to death by stoning, but the sentence was not executed by year's end and has been stayed pending the appeal she filed challenging the legal basis for the decision under Islamic law. Two domestic human rights organizations condemned the death sentence, and an international NGO asked President Obasanjo to intercede in the matter.

Shari'a criminal law does not provide for amputation as the punishment for persons convicted of misappropriating public funds. Rather, the faithful are called upon to ostracize persons so convicted.

Hamza Al Mustapha, Muhammed Rabo Lawal, Lateef Shofolahan, Mohammed Aminu, Col. Yakubu, Ishaya Bamaïyi, James Danbaba and Rogers Mshiella were detained and charged with the 1996 attempted murder of Guardian newspaper publisher Alex Ibru; however, the case was postponed during most of 2001 after Bamaïyi and Mustapha were summoned to appear before the HRVIP.

No action was taken against army personnel responsible for rapes and other abuses in Delta, Bayelsa and Rivers states as reported in 1999.

After the November 1999 release of Jerry Needam, Editor of the Ogoni Star newspaper, the Government representatives failed to appear in court for any hearings relating to his case. Police reportedly beat Needam, forced him to sign a confession, and did not allow him access to medical treatment during his detention in 1999.

In a few instances during the year, Security forces beat and detained journalists who made unfavorable news reports. (see Section 2.a.).

In the numerous ethnic clashes that occurred throughout the year (see Sections 1.a. and 5), thousands of persons were beaten or injured severely. Police and security forces, failing to respond to these and most other criminal acts in a timely manner, were slow to protect civilians caught in unrest in Plateau, Kaduna, Kano, Benue states and in other areas of Nigeria. Generally, the police lacked the resources and training to control criminals and mobs that fomented civil unrest. (see Sections 1.a. and 1.b.)

On January 1, an Islamic vigilante group known as Hisbah reportedly caned in public a Christian trader 80 times after he was found with a bottle of gin.

The HRVIP or the Oputa Panel heard several cases during the year (see Sections 1.a. and 4).

On January 26, seven women of the Ogoni ethnic minority appeared before the HRVIP and accused soldiers of the Rivers State Internal Security of raping them in 1993 and 1994.

In February Ohaneze Ndigbo, an Igbo cultural organization, asked the HRVIP to investigate atrocities, including pogroms, genocide, mistreatment of refugees and war prisoners, and bombing of civilian targets, allegedly committed against Igbos between 1966 and 1970.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Many prisons held 200 to 300 percent more persons than they

were designed to hold. The Government acknowledged the problem of overcrowding as the main cause of the harsh conditions common in the prison system. According to government sources, approximately 45,000 inmates were held in a system of 148 prisons (and 83 satellite prisons) with a maximum designed capacity of 33,348 prisoners. Some human rights groups estimate a higher number of inmates*-perhaps as many as 47,000 (see Section 1.d.). Several times in 2000 authorities attempted to ease congestion in some smaller prisons. For example, in honor of the Eid-El-Kabir in March 2000, the Governor of Kano State released 159 prisoners, 52 of whom were pretrial detainees held without charge. Those released also were provided with travel funds to return to their homes. In 2001, the Governor of Kaduna State, on the recommendation of a state court judge, made a similar release of prisoners. During March 2001, the Chairman of the National Human Rights Commission visited Owerri Prison in Imo State. According to NHRC reporting, 90 percent of those in prison were awaiting trial. Multiple adjournments in some cases had led to serious delays. The NHRC urged the courts, Ministry of Justice and the police to hasten the expedition of the cases awaiting trial.

In December, five teenagers were released from Suleja prison, in Niger State, through the help of local NGOs.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. A reputable human rights organization estimated in 1999 that at least one inmate died per day in the Kiri Kiri prison in Lagos alone. According to the Prisoners Rehabilitation and Welfare Action (PRAWA) a nongovernmental organization (NGO), dead inmates promptly are buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who die daily in the country's prisons is difficult to obtain because of poor record keeping by prison officials. PRAWA and other NGO's alleged that prison conditions were worse in rural areas than in urban districts.

In practice women and juveniles are held with male prisoners, especially in rural areas. The extent of abuse in these conditions is unknown. In most case, women who commit minor offenses are released on bail, while women who commit major offenses are detained. There is no formalized procedure regarding the separation of detainees and convicted prisoners. Rather the method of confinement depends wholly on the capacity of the facility. Therefore, due to space constraints detainees are often housed with convicted prisoners.

In 2000 President Obasanjo directed the Ministry of Justice to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation.

In 2001, the National Human Rights Commission began working with the Ministry of Justice and the Legal Resources Consortium to draft a new Prisons Bill to conform with minimum standard rules of prisons practice and provisions of the United Nations. The NHRC has also urged the Federal Government and police against detaining persons in civil cases.

During the year, the Government allowed international and domestic NGO's, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons; however, it did not allow them continuous access to all prisons. PRAWA and the ICRC publish newsletters on their work. The Government admits that there are problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. However, groups such as Rotary International report difficulties at the local level in gaining access to prisons and jails to do rehabilitation programs.

In August local media reported that the Inspector General of the police decided to transfer all current members of the Lagos-based Anti-Robbery Squad (SARS) known as the "Scorpions." Reportedly there had been numerous allegations against SARS officers for corruption, including aiding and abetting crime groups.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

Police and security forces were empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution, police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision of bail was often arbitrary or subject to extra-judicial influence. In many parts of the country, there was no functioning system of bail, resulting in many suspects being held in investigative detention for sustained periods. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attend court proceedings, an additional payment often is demanded by police.

In August, security agents arrested and detained for 27 days without charge Sheik Yakubu Musa, a Katsina-based Islamic scholar; the Abuja High Court later ordered his release.

Human Rights Watch reported that the police arrested hundreds of MASSOB and detained many without charge; MASSOB leader Ralph Uwazuruike was arrested several times during the year. In 2000 the Committee for the Defense of Human Rights reported that 302 OPC members were arrested following clashes with the police in Lagos. Of those detainees, 95 were released in 2000. The remaining detainees were not able to obtain legal representation and either could not make bail or were not eligible for bail due to the charges brought against them.

Security forces temporarily detained journalists in a few instances during the year. (see Section 2.a.).

Students in general are no longer singled out for arrest because of political activities; however, many students were detained during the year for allegedly taking part in cult or criminal activities on university campuses.

No information was available during the year about the Ogoni activists who were arrested in 2000.

On March 23, police in Gombe arrested 19 reportedly peaceful persons for unlawful assembly (see Section 2.c.)

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). The Controller-General of prisons estimated that two-thirds of prisoners are detainees awaiting trial who have not been charged (see Section 1.c.). In January the Minister of State for Internal Affairs reportedly said that there were 45,000 inmates in the Nigerian prison system, 75 percent of who were awaiting trial. Many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held. Police cited their inability to securely

transport detainees to trial on scheduled trial dates as one reason why so many detainees were denied trial.

Persons who happen to be in the vicinity of a crime when committed are at times held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently are asked to return repeatedly for further questioning. Police continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. There were reports that Imo state prison officials work with some pretrial detainees to blackmail those who knowingly or unknowingly purchased stolen goods from the detainees. These persons, usually prominent individuals residing in larger cities such as Abuja and Lagos, are remanded to Imo state custody and told that they also will be prosecuted for the transfer of stolen goods; however, if they pay a bribe, they are released as is the pretrial detainee who colluded with the prison officials.

There were no reports of political detainees during the year.

In 2000, Ismaila Gwarzo, the national security advisor to former Head of State General Sani Abacha, was placed under house arrest without any charges being brought.

The Constitution prohibits the expulsion of citizens, and the Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive and legislative branch pressure, was influenced by political leaders at both the state and federal levels, and suffered from corruption and inefficiency. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes in order to expedite cases.

Under the Constitution, the regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also are Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice, preference, fear of legal costs, delays, and distance to alternative venues encouraged many litigants to choose the customary and Shari'a courts over the regular venues. Shari'a courts, which have begun to function in 12 northern states, carried out two amputations during the year (see Section 1.c.)

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.).

Trials in the regular court system are public and generally respect constitutionally protected individual rights in criminal cases, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges easily are bribed or "settled," and that litigants cannot rely on the courts to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier defendants employ numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented

trials from starting.

Many courts are understaffed, and personnel underpaid. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation to perform their duties, again due in no small part to their inadequate compensation.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually is accorded less weight in Shari'a courts (see Section 5).

The Movement for the Survival of the Ogoni People (MOSOP) and the Saro-Wiwa family continued to petition President Obasanjo, the Minister of Justice, and the Oputa Human Rights panel to reverse the verdict of the Auta Tribunal that convicted Saro-Wiwa and the Ogoni-9 in October 1995. At year's end, the Government had not responded to the two year old appeal to clear the names of Saro-wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits such actions; however, although government authorities generally respect these prohibitions, authorities continued at times to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. There were calls by human rights groups for the police to end the practice.

Although the expanded Shari'a laws technically do not apply to Christians, the Christian minority, especially in Zamfara and Sokoto states, was subjected to many of the social provisions of the law, such as the separation of the sexes in public transportation vehicles (a law that was repealed after only 2 weeks), and in health facilities, the segregation by gender of school children, and bans on the selling of alcohol (see Section 2.c.). At least one Christian was punished for violating Shari'a laws (see Section 1.c.)

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas. The Government owns and controls some publications; however, there is a large and vibrant private domestic press that frequently is critical of the Government. There are two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times. The New Nigerian publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be produced poorly, have limited circulation, and require large state subsidies to continue operating. By the end of 2000, five major daily newspapers, one newsmagazine, and several sensational evening newspapers and tabloid publications had begun publication. Two new newspapers began publication in 2001.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required that publications be registered by the Council

annually through a system entitled "Documentation of Newspapers." The penalties for practicing without meeting the Council's standards were a fine of \$2,200 (250,000 Naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offense that carried a fine of \$900 (100,000 naira). The Nigerian Press Council opened an office and hired staff in Abuja; however, it did not take any official action during the year. Many journalists believe that the existence of the decree and the Council are significant limitations on freedom of the press.

Editors report that government security officers sometimes visit or call to demand information about a story or source; however, journalists and editors no longer fear suspension or imprisonment for their editorial decisions for failing to comply with such demands. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state's accomplishments and to promote their own political fortunes.

During the year, there were a few cases of threats against and attacks on the press. In April, police beat a photographer and destroyed the film in his camera when he attempted to photograph a suspect leaving the Lagos High Court.

In May, Imo State security personnel raided newsstands where they seized and burned publications that carried stories on activities of MASSOB, a group advocating revival of the Biafran Republic.

In June police arrested, detained, and charged with libel Nnamdi Onyeuma, editor of weekly magazine Glamour Trends, in connection with a story alleging that President Obasanjo received a \$1 million allowance for each of his many foreign trips. Onyeuma was released on bail awaiting court action at year's end.

During the year, governors from Kano, Imo, and Zamfara states were involved in disputes with journalists and publicly threatened the media. State governments also have threatened and detained journalists who have criticized their policies. For example, a journalist temporarily lost his accreditation to cover the State House in Imo State because of an article critical of the Governor's wife. Because newspapers and television are relatively expensive and literacy levels are low, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages; 51 state radio stations broadcast in English and local languages. There were six private radio stations operating during the year. No new private radio licenses were issued during the year by the National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media. Ten applications pending from 1999 still were awaiting NBC approval at year's end. International broadcasters, principally the Voice of America (VOA) and British Broadcasting Corporation (BBC), as well as Deutsche Welle and others, broadcast in English and Hausa and are an important source of news in the country.

In January police beat, arrested and detained Igha Oghole, a journalist with Radio Benue, Makurdi, after he insisted on conducting a scheduled interview with the police commissioner rather than interviewing his subordinate.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The law requires local television stations to limit programming from other countries to 40 percent and restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television.

The NBC threatened to take private television and radio stations off the air when the stations refused to pay 2.5 percent of their gross income to the NBC; the Independent Broadcasters Association of Nigeria (IBAN) challenged the

fees in court. In October the Federal Government set the annual fee for the broadcasters at \$1,300 (N150,000). During the year, the NBC also prevented the commissioning of the Here and There television station in Oyo State, ruling that the original license had expired. The NBC also challenged expansion plans by African Independent Television (AIT), a part of Daar Communications, claiming that AIT's global and terrestrial licenses do not allow them to act as a network.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Since the 1999 elections, foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. NITEL, the Nigerian PTT, competed with dozens of privately owned Internet service providers (ISP's). All other ISP's were owned privately.

The Government continued to take concrete steps to address the problems in the education sector and to restore academic freedom. In 1999 Obasanjo approved the establishment of four new private universities, but the quality of secondary education generally remained low. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continue to hamper educational progress. On several occasions during the year, protests by students resulted in harassment and arrest by police forces. (See Section 1.d.)

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right, although some limits remained.

The Government continued to nominally require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to religious tensions in these parts of the country. For example, various northern states, including Plateau, Kano, Zamfara, and Kaduna, banned public gatherings immediately following periods of unrest, but they did so in consultation with a number of religious and traditional groups, and local governments in order to prevent a recurrence of unrest. In September Kaduna state government extended its ban on processions, rallies, demonstrations, and meetings in public places in order to prevent repetition of the violence that followed the announcement of the enactment of Shari'a law in 2000 (see Sections 1.a. and 2.c.)

In September a political rally in Zamfara State turned violent, prompting a temporary ban on public political rallies in the state. On October 31, the Ondo state government banned open-air religious meetings by both Christians and Muslims in a bid to prevent religious violence (see Section 5). In October, a security forces committee banned all political, cultural, and religious meetings in Plateau state following ethno-religious clashes in the Jos, the state capital (see Section 5).

In December in Rivers State, police dispersed a rally of the National Youth Council of Ogoni People because the group reportedly had not received authorization to hold the demonstration. In October the police banned for security reasons a PDP rally scheduled to take place in Sokoto on October 4 and 5. In July the police banned the meeting of a group known as the Fourth Dimension, led by former Vice President Augustus Aikhomu, because of violence that occurred at a prior meeting in Benin City. In March the Government

banned a seminar on Islamic law that was planned in Zaria. In May police cancelled a planned meeting of southern governors in Enugu, reportedly because the meeting was "capable of creating disharmony." Police regularly disrupt meetings of the OPC, and maintain a ban on the organization.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice; however, there were exceptions. Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to have membership in two-thirds of the country's 36 states.

c. Freedom of Religion

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in certain respects. The implementation of an expanded version of Shari'a law in 12 northern states continued, which challenged constitutional protections for religious freedom and occasionally sparked inter-religious violence.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as the de facto state religion of several northern states, given the reintroduction of Shari'a criminal law, and the continued use of state resources to fund the construction of mosques, the teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj). However, state funds also are used to fund Christian pilgrimages to Jerusalem. In general states with a clear Christian or Muslim majority explicitly favor the majority faith. There are 36 states in the country; governors have autonomy in decision making but derive their resources from the federal Government. Both the federal and state governments are involved in religious matters, including the regulation of mandatory religious instruction in public schools, subsidized construction of churches and mosques, state-sponsored participation in the Hajj, and pilgrimages to Jerusalem. Approximately half of the population is Muslim, about 40 percent Christian, and about 10 percent practice traditional indigenous religion or no religion.

On November 2, Kaduna state implemented a modified version of Shari'a law. Islamic punishments are not being incorporated into the criminal code in Kaduna, as has happened in several other northern states.

The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts. Until the reintroduction of criminal Shari'a by Zamfara State in January 2000, the jurisdiction of Shari'a courts, which are part of the regular court system, had been limited to family or personal law cases involving Muslims, or to civil disputes between Muslims who consent to the courts' jurisdiction. However, the Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." Some states have interpreted this language as granting them the right to expand the jurisdiction of existing Shari'a courts to include criminal matters (see Section 1.e.). In October 1999, Zamfara state passed laws establishing Shari'a courts and courts of appeal, and another bill that constituted the Shari'a penal code; the bills took effect on January 27, 2000. Zamfara adopted traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. After the adoption of Shari'a in Zamfara, other northern states began to implement forms of expanded Shari'a. By year's end 12 northern states had adopted variations of Shari'a law -- Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, and Bauchi, Borno and Gombe. Adherence to the new Shari'a provisions is compulsory for Muslims in some states and optional in others. Previously Shari'a law had been practiced in the north in the areas of personal law, only if both litigants agreed to settle their disputes in Shari'a courts. Elements of Shari'a also had been present in the northern penal code, which had been applicable in the north since independence.

The Constitution also provides that the federal Government is to establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by the end of the period covered by this report.

Although religious belief or adherence is not required for membership in registered political parties, in May 2001, the Zamfara state house assembly suspended for 3 months two of its Muslim members, Ibrahim Musa Murai and Abdullahi Majidadi Kurya, for not supporting bills introduced by the governor. They were accused of not showing full support for a compulsory closing of businesses, schools, and hospitals during Friday prayers and an enforced zakkat (alms) payment to assist the needy.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). The law requires that such groups name a board of trustees, place a notice of the group's intent to organize in three nationwide newspapers, and send trustee information to the CAC. If no objections are received, the group can proceed with its meetings. This law was put into effect to stem the proliferation of new buildings in the absence of zoning laws, to resolve legal questions arising from disputes over church ownership and control, to provide a single registry for government reference in the event that compensation is demanded following civil disturbances, and to allow for legal solemnization of marriages. The CAC did not deny registration to any religious group during the year; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship.

Although distribution of religious publications remained generally unrestricted, the Government continued to enforce lightly a ban on published religious advertisements. There were reports by Christians in Zamfara state that the state government restricted the distribution of religious (Christian) literature. Similar discrimination against the use of state-owned media for Muslim programming was reported in the south.

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship. According to the Constitution, students are not required to receive instruction relating to a religion other than their own; however, public school students throughout the country were subjected to mandatory Islamic or Christian religious instruction. Islamic studies are mandatory in public schools in Zamfara and other northern states, to the exclusion of Christianity. State authorities claim that students are permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction; however, in practice the dominant religion of the state is taught in the school, and students cannot use these other mechanisms. There are reports that Christianity is taught in the same manner in Enugu and Edo states, and that Muslim students cannot access Koranic teaching in the public schools. During the period covered by this report, Christian Association of Nigeria (CAN) leaders volunteered to place teachers of Christianity in Zamfara and Sokoto state schools, where students alleged that they were being forced to take courses in Islamic religious knowledge in order to graduate. Governors of both states accepted the offer of assistance and stated that they had not been aware of the problem; however, CAN did not provide any teachers in either state during the year. They indicated that schools in rural areas may not have qualified teachers of Biblical or Christian education classes, and that students in such schools have a right to opt out of Koranic knowledge classes, which otherwise would be required.

The law prohibits religious discrimination; however, reports were common that government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts.

Christians in the predominantly Muslim northern states also alleged that local government officials used zoning regulations to stop or slow the establishment of new Christian churches. Officials have responded that many of these new churches are being formed in traditionally residential neighborhoods that were not zoned for religious purposes. The Christian Association of Nigeria (CAN) offices in Zamfara and Sokoto states alleged that local authorities there delayed or denied to Christians certificates of occupancy (CO's), which are required to show title to land. For example, the Catholic Church in Zamfara state has been unable to retake possession of a clinic that was confiscated during a period of military rule in the 1970's. Renewal of the CO for the church building was approved; however, the

Church has been unable to obtain a CO to reoccupy the clinic building and the adjoining land. Zamfara and Sokoto state officials denied that discrimination was behind the cases cited by CAN. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith.

As the result of ethnic and religious violence related to the expansion of Shari'a criminal law in various states, (see Section 5), several state governments banned public proselytizing, although it is permitted by the Constitution. The Katsina and Plateau state governments enacted and maintained a ban on public proselytizing for security reasons. Some states relaxed these restrictions informally during the reporting period, and allowed some public proselytizing by Christians and Muslims. Missionaries reported that law enforcement officials harassed them when they proselytized outside of their designated zones. During the year, Kaduna maintained a ban, enacted in 2000, on all forms of "processions, rallies, demonstrations, and meetings in public places." Such bans were viewed as necessary public safety measures after the deaths of thousands in predominantly ethno-religious conflicts, sparked in part by the expansion of Shari'a since 2000, in Kaduna, Plateau, Kano, Gombe and Bauchi (see Section 5). On October 31, the Ondo state government banned open-air religious meetings by both Christians and Muslims in a bid to prevent religious violence. However, large outdoor religious gatherings continued to be quite common, especially in the southern part of the country. In November, religious rioting in Osogbo, Osun state, reportedly led to at least one death and the destruction of several places of worship.

The Federal Government has tacitly acknowledged the ability of states to implement criminal Shari'a. However, the Federal Government has instituted a committee charged with the responsibility to draft uniform Shari'a criminal and procedural laws that could be adopted by all states, instead of the current state-drafted statutes that differ in many respects (see Section 1.c.).

Although the expanded Shari'a does not apply to Christians, Christians in some states have been subjected to many of the social provisions of the law All Muslims in states that expanded Shari'a to criminal matters are subject to the new Shari'a criminal codes. All cases involving only Muslims must be heard by a Shari'a court. Other states with Shari'a law still permit Muslims to choose common law courts for criminal cases; however, societal pressure forces most Muslims to use the Shari'a court system. Various human rights groups have challenged the constitutionality of criminal Shari'a, but these suits have failed for lack of a plaintiff with adequate legal standing.

In March journalists covering the implementation of Shari'a law in Bauchi state were warned by the governor, Ahmed Mu'azu, that they would be prosecuted if they misrepresented the Government's position on Shari'a. None were arrested for this reason by year's end.

A number of states informally sanctioned private vigilante Shari'a enforcement groups. In Zamfara state, Governor Ahmed Sani vested the local vigilante group with full powers of arrest and prosecution because he believed that the police were not enforcing the new Shari'a laws. Governor Saminu Turaki of Jigawa state also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. In April the Katsina Arts and Musicians Association wrote to the Katsina House of Assembly protesting the arrest and detention of Sirajo Mai Asharalle. Asharalle was arrested by the state-sanctioned Rundunar Adalci vigilante group while performing music at a local function, but was released soon after his arrest. The performance of music and dancing was banned under the Shari'a law introduced by Katsina state.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and in general, the Government respected this right; however, police occasionally restricted this right by setting up roadblocks and checkpoints and enforcing curfews in areas with civil unrest. For example, in October, a dusk-to-dawn curfew was imposed in Makurdi and Gboko, Benue state, following civil unrest in the region. Roadblocks and checkpoints routinely are used by law enforcement agencies to search for criminals and to prevent the transport of bodies from areas of conflict to other parts of the country where their presence

might instigate retaliatory violence. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see Sections 1.a. and 1.c.). Unlike in the previous year, there were no reports of government officials restricting mass movements of individuals fleeing ethnic unrest.

Violent clashes between ethnic Hausa and various non-Muslim ethnic groups in Jos, Tafawa Balewa, and Kano resulted in the imposition of dusk-to-dawn curfews following the deaths of numerous persons (see Sections 1.a. and 5). In September and October, Tiv youths set up roadblocks in eastern Benue to harass and kill ethnic Jukuns (see Section 1.a.).

The Constitution also prohibits the denial of exit or entry to any citizen, and the Government generally respected this law. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country (see Section 5). In August General Jeremiah Useni, a retired general and former Minister of the Federal Capital Territories under the Abacha regime, was prevented from traveling outside Nigeria and his passport was confiscated; the Federal Government provided no reason for this action, but it was widely assumed to be related to allegations of corruption.

Prominent human rights and prodemocracy activists who fled the country during the regime of General Sani Abacha continued to return to the country as did many economic refugees. There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there have been sporadic but unsubstantiated reports that persons still were questioned upon entry or exit to the country at Murtala Muhammed International Airport.

During periods of civil unrest, numerous persons were displaced from their places of residence. In late June and early July several thousand Hausa families fled Tafawa Balewa in southern Bauchi state, following violent attacks by the majority Sayawa ethnic group; according to the ICRC, approximately 20,000 fled their homes, and several dozen may have been killed. In September approximately 15,000 persons were displaced by interethnic violence in Jos. In September and October, thousands of persons from all ethnic groups fled violence in Tafawa Balewa and Kano and approximately several hundred thousand persons were displaced due to ethnic conflict in Benue, Taraba and Nasarawa States (see Section 2.c.) In October following civil unrest in Kano, many Igbo and Yoruba residents sent their families south. (see Sections 1.a. and 5). Many persons fleeing civil unrest first shelter and safety at military barracks, police compounds, and other public places. Some were still living in such government buildings at the end of 2001. Thousands of persons, both Christian and Muslim, were displaced internally following the Kaduna riots in 2000; most returned to their homes during the year.

Many returnees remained apprehensive about continuing to work in these areas, with some returning only to finish business contracts or to sell their homes in order to arrange a more permanent departure.

A few hundred residents of the Odi village, razed by soldiers in 1999, have returned to the area; however the Federal Government has not provided them with assistance to reconstruct their village (see Section 1.a.). The law provides for the granting of refugee and asylum status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the Lagos office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. The Eligibility Committee, which governs the granting of refugee status, asylum, and resettlement, reviews refugee and resettlement applications. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

At year's end, there were 6,933 recognized refugees: 13 from Angola; 23 from Benin; 4 from Cameroon; 1,703 from Sierra Leone; 3,194 from Chad; 74 from Sudan; 1,561 from Liberia; 69 from Cote d'Ivoire; and 292 from other countries. The Government also resettled in the country 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other

countries.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage. Citizens exercised this right in national elections for president and the National Assembly in February 1999. The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003, while local government elections are scheduled for 2002. However, the local government elections may move to 2003 due to the passage of a controversial electoral law in December. The INEC is working with several international electoral assistance organizations to help improve the process in 2003. No INEC officials have faced disciplinary action as result of their alleged involvement in corrupt activities that marred the 1999 elections.

The Constitution outlaws the seizure of the Government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. Early in the year, there was an unsuccessful attempt to remove Speaker Ghali Na'abba allegedly led by members of the executive branch. Evidence of widespread fraud and corruption in the attempt to buy votes for the removal of Na'abba forced the abandonment of the effort to remove the speaker.

The political system remains in transition. The three branches of the Government acted somewhat independently. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took legislative responsibilities such as budget review and oversight, the election reform initiative, and resource allocation seriously. Obasanjo created several commissions to investigate past government contracts and human rights abuses, which were overwhelmed with applications to present evidence of wrongdoing (see Section 4). However, the judicial branch remained weakened by years of neglect and politicization (see Section 1.e.)

The Constitution was promulgated on May 5, 1999. The constitution-writing process was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue allocation and power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted and there were continued calls for a national conference to reexamine the constitutional and political structure of Nigeria. While there were many different conceptions of what such a conference would involve, those in the southwest tended to favor a "sovereign" national conference, which would modify the existing constitution to implement a more decentralized structure.

In early December the President signed an electoral law that moved local elections from 2002 to 2003. This provision was contested by the state governors and state assemblies as an infringement on the states constitutional powers to control local government. While allowing new political parties to participate in local elections in 2003, the act prohibited them from participation in state and national elections until 2007. After weeks of public debate, both Houses of the National Assembly repealed the prohibition against new parties participating in the 2003 national and state elections. The constitutionality of the law and how it was amended was also the subject of a suit before the Supreme Court.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there were no legal impediments to political participation or voting by women. Men continued to dominate the political arena and NGO's continued to protest the limited representation of women in the political process. Out of more than 500 ministerial and National Assembly positions, there are only six female ministers, three female Senators and 12 female Representatives. Women's rights groups lobbied local, state, and the Federal Government (and local levels as

well) to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there are more than 250 ethnic groups, and it is difficult to insure representation of every group in the Government (see Section 5). The federal- and state-level ministers generally are selected to represent the country's and state's regional, ethnic, and religious makeup. President Obasanjo has attempted to create an ethnically inclusive Government. Despite this effort, many groups complained of insufficient representation.

Middle-belt and Christian officers dominate the military hierarchy. In 1999 Obasanjo retired all military officers who held political office, which meant that a disproportionate number of northern Hausa officers--who dominated the upper ranks under the previous military regimes--left the service. In 2000 there were few military retirements, and although they appear to reflect an ethnic or religious bias, some in the north believe that the northern Hausa are underrepresented in the military.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. Criticisms of the Government's past human rights record were abundant in various media. High-level government officials noted that the human rights community assisted in the advancement of democracy. However, in 2001, human rights activists complained that President Obasanjo and members of his government did not meet with them as frequently as in the previous year.

The Catholic Secretariat, a local faith-based interest group, continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels have included a number of NGO's, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations by year's end.

In February the Kano Council of Ullamas declared Kano off limits to NGO's after a mob set fire to a truck that hisbah (Islamic law enforcers) prevented from entering Kano (see Section 2.d.). The Ullamas lack secular authority, and NGOs continue to operate freely in Kano.

On October 29, the CRP called on President Obasanjo to take responsibility for recent retaliatory attacks by the army against Tiv communities in central Benue State (see Section 1.a.). A number of groups spoke out against the events in Benue, and called for full investigations.

The ICRC is active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health (see Section 1.c.).

The National Human Rights Commission (NHRC) is tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGO's, and worked hard to establish its credibility as an independent monitoring body. The NHRC is chaired by retired Justice Uche Omo and includes 15 other members. The NHRC was establishing zonal affiliates in each of the countries six political regions during the year. The NHRC is supposed to work closely with NGO's that are devoted to human rights issues. Since its inception, the NHRC has been denied adequate funding to do its job properly. At year's end, the NHRC had created a strategic work plan through 2002, inaugurated steering and coordinating committees for the national action plan. During the year, it assisted in appealing a number of Shari'a verdicts in the north (see Sections 1.c. and 1.e.)

The HRVIP, commonly known as the Oputa panel, is a one-time panel that was established in 1999 by President Obasanjo to investigate human rights abuses dating back to 1966 and the time of the first military coup. The Oputa Panel can recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC does not do. According to Justice Oputa, the chair, the panel's primary goal is to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel heard cases throughout the year, mostly involving allegations of unlawful arrest, detention, and torture as far back as the 1966 Biafran War (see Sections 1.a. and 1.c.) The panel also heard cases in which the rights of groups were violated. The Oputa Panel held extensive hearings in Lagos, Abuja, Port Harcourt, and Kano during the year, and has taken evidence in the claims of more than 10,000 petitioners.

On January 20, according to newspaper reports, HRVIP Chairman Justice Chukwudifu Oputa apologized to the Ogoni ethnic minority on behalf of the Government for events in recent years.

In September President Obasanjo appeared before the panel to explain his role in army actions during his tenure as military head of state in the late 1970's. The family of late musician Fela Kuti claimed that Obasanjo was involved in a 1979 army raid in which Kuti's mother was killed.

During the year, former Heads of State, General Ibrahim Babangida, General Abdulsalami Abubakar, and General Muhammadu Buhari refused to appear to answer questions about human rights abuses under their respective regimes. The Panel concluded its hearings and began drafting a report of its findings, expected to be released in early 2002.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence was a problem, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

Women

Domestic violence is a problem. Reports of spousal abuse are common, especially wife beating. Police normally do not intervene in domestic disputes, which seldom are discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group has estimated that spousal abuse occurs in 20 percent of adult relationships. In more traditional areas of the country, courts and police are reluctant to intervene to protect women who accuse their husbands formally if the level of alleged abuse does not exceed customary norms in the areas. Rape and sexual harassment continue to be problems.

The Federal Government publicly opposes female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health; however, it has taken no legal action to curb the practice. There was a bill to ban FGM before the National Assembly at year's end. Because of the considerable problems that anti-FGM groups faced at the federal level, most are refocusing their energies to combat FGM at the state and local government area (LGA) level. In 2000 Edo, Ogun, Cross River, Osun, Rivers, and Bayelsa states banned FGM. In Edo state, the punishment for FGM is a \$10 (1,000 naira) fine and 6 months imprisonment, which is a significant amount in rural Nigeria. In addition once a state legislature criminalizes FGM, NGO's have found that they must convince the LGA authorities that state laws are applicable in their districts.

The Women's Centre for Peace and Development (WOPED) estimated that at least 50 percent of women undergo FGM. Studies conducted by the U.N. Development Systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the actual prevalence may be as high as 100 percent in some ethnic enclaves in the south. While practiced in all parts of the country, FGM is more predominant in the southern and eastern zones. Women from northern states are less likely to undergo FGM; however, those affected are more likely to undergo the severe type of FGM known as infibulation. WOPED believes that the practice is perpetuated because of a cultural belief that uncircumcised women are promiscuous, unclean, unsuitable for marriage, physically undesirable, or potential health risks to themselves and their children, especially during childbirth. The National Association of Nigerian Nurses and Midwives, The Nigerian Women's Association, and the Nigerian Medical Association worked to eradicate the practice and to train health care workers on the medical effects of FGM; however, contact with health care workers remains limited. Nevertheless, most observers agree that the number of women and girls who are undergoing FGM is declining each year.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which women and girls are subjected to the practice varies from the first week of life until after a woman delivers her first child. The Ministry of Health, women's groups, and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

Prostitution is rampant, particularly in urban areas. A number of states have begun to enforce existing laws or to introduce new laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution (see Section 2.c.), and this prohibition is enforced with varying degrees of success. Prostitution is not illegal in Lagos state; however, authorities can use statutes that outlaw pandering as a justification for arresting prostitutes. The adoption of Shari'a-based legal systems by northern states also has led to the strong enforcement of laws against child prostitution (see Section 2.c.). Southern states, like Edo, also are criminalizing prostitution and raising the legal age for marriage from 16 to 18.

There is an active market for trafficking in women to Europe, and elsewhere (see Section 6.f.).

In some parts of the country, women continue to be harassed for social and religious reasons. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women also experience considerable discrimination. There are no laws barring women from particular fields of employment; however, women often experience discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There are credible reports that several businesses operate with a "get pregnant, get fired" policy. Women remain underrepresented in the formal sector but play an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endure many forms of discrimination.

While some women have made considerable individual progress, both in the academic and business world, women remain underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only men can own land, and women can gain access to land only through marriage or family. In addition many customary practices do not recognize a women's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it

occurs predominately in eastern Nigeria. Confined widows are under restrictions for as long as 1 year and usually are required to shave their heads and dress in black. In other areas, a widow is considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows property rights. Polygamy continues to be practiced widely among all ethnic groups and among Christians as well as Muslims and practitioners of traditional persuasions. Women are required by law to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in criminal courts (see Section 1.e.).

Women have been affected to varying degrees by the adoption of various forms of Shari'a law in 12 northern states. In Zamfara state, local governments instituted laws requiring the separation of Muslim men and women in transportation and health care. In apparent violation of traditional Shari'a jurisprudence, some Alkalis judges denied Shari'a criminal protections to women that they provide to men. For example, a few women were subjected to harsh punishments for fornication or adultery based upon the fact of pregnancy, while men were not convicted without the requisite number of witnesses (see Sections 1.c. and 1.e.). A coalition of women's rights NGOs in 1998-1999 found inaccurate the Government's positive portrayal of its implementation of the CEDAW; there reportedly was not much progress during 2001 towards rectifying the deficiencies identified.

On April 4, President Obasanjo initiated a national policy to stop all discrimination against women.

Children

While the Government increased spending on children's health in recent years, it seldom enforced laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, "when practical," to provide free, compulsory, and universal primary education; however, despite the President's commitment, compulsory primary education rarely was provided. In many parts of Nigeria, girls are discriminated against in access to education for social and economic reasons. The literacy rate for men is 58 percent but only 41 percent for women. Rural girls are even more disadvantaged than their urban counterparts. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls. Many families favor boys over girls in deciding which children to enroll in secondary and elementary schools. For the families where economic hardship restricts the ability to send girls to school, many girls are directed into commercial activities such as trading and street vending.

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.c and 6.d.). Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with adult criminals. The Government criticized child abuse and neglect, but it did not undertake any significant measures to stop customary practices harmful to children (see Section 6.f.). There were credible reports that poor families sell their daughters into marriage as a means of supplementing their incomes. Young girls are sometimes forced into marriage as soon as they reach puberty, regardless of age, in order to prevent the "indecency" associated with premarital sex.

FGM is performed commonly on girls in some areas of the country (see Section 5, Women).

There was evidence of trafficking in children (see Section 6.f.).

Child labor, including forced child labor, remained a problem during the year (see Sections 6.c., 6.d., and 6.f.).

Persons with Disabilities

While the Government called for private business to institute policies that ensured fair treatment for persons with disabilities, during 2001 it did not enact any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the

right of persons with disabilities to work.

In August the Federal Government established vocational training centers in Abuja to provide training to beggars with disabilities.

Religious Minorities

The law prohibits religious discrimination; however, there were some instances where officials discriminated against people practicing religions different than their own in hiring practices and in the awarding of state contracts.

Religious differences often correspond to regional and ethnic differences. For example, the northern region is predominately Muslim. Many southern ethnic groups are predominantly Christian, although the Yoruba are roughly fifty percent Muslim. Both Muslims and Christians are found in large numbers in the Middle Belt. In many areas of the Middle Belt, Muslim Fulani tend to be pastoralists while the Muslim Hausas and most Christian ethnic groups tend more toward farming or urban living. Consequently, it is often difficult to distinguish religious discrimination and tension from economic and land use competition or ethnic and regional discrimination. Religious tensions underscored what were predominantly ethnic confrontations throughout the year.

The crisis in Kaduna in 2000 was the first major Muslim-Christian conflict during Obasanjo's tenure. Estimates of the number of persons killed range from 1,000 to 1,500. Following the 2000 violence in Kaduna (see 2000 country report), the Government sponsored dialog among the state's different religious and ethnic groups which helped to significantly reduce the level of inter-religious tension and violence in 2001. For example, in October, when two small churches caught fire in Kaduna city, Christian and Muslim neighbors helped extinguish the fires, and the state government promised funds to repair them. However, in November, several people were killed in southern Kaduna state due to a rivalry between two local leaders that intensified when expanded Shari'a was formally implemented in the state.

In early April in Osun State, mobs lynched 12 visiting Evangelical Christians belonging to the Brotherhood of Christ (see Section 1.a.).

On May 22, Christian and Muslim youths clashed in the town of Kumo over the introduction of Shari'a law; approximately 25 persons were injured.

In June there were unconfirmed reports that Muslim youths set four churches on fire in Dutse, Jigawa state.

In November Muslim youths reportedly vandalized eight churches in Osogbo, Osun state, and four churches in Ilorin, Kwara state; one person reportedly was killed in Osogbo.

In early September, 2,300 persons were killed in interethnic violence that split along religious lines in Jos. Between 10,000 and 15,000 persons were displaced by the violence (see Section 2.d). The appointment of an ethnic Hausa to the chairmanship of a local Poverty Alleviation Program increased tensions, which accompanied the earlier violence between Christian Sayewa and Muslim Hausa in Tafawa Balewa, Bauchi, only 60 kilometers away. There also were reports of summary executions of Hausa in outlying villages. Approximately 80 percent of the victims in Jos were Hausa Muslims, who constitute a significant minority in Jos. The military was able to restore order, but thousands of Hausa fled Plateau state for Kaduna, Kano, Jigawa, and Bauchi states. This conflict appears to have been primarily ethnic. Christians of different ethnic groups reportedly attacked each other, and Yoruba Muslims joined in targeting their Hausa co-religionists.

On October 12, 600 to 1,000 Muslims peacefully demonstrated in Kano against U.S. and allied air strikes against Afghanistan. Several hours after the demonstration, two small churches were burned. The following morning, a mob of predominantly Hausa youth attacked shopkeepers and looted shops in city's major market. During the riots, 100 persons were killed. The military was called in to restore order. Two churches and three mosques reportedly were burned during the fighting. After order was restored, Governor Kwankwaso held a series of meetings with local ethnic and religious

leaders to stem further outbreaks and to rebuild trust between the communities.

In November youths vandalized eight churches in Osun state and four churches in Ilorin, Kwara state.

There were no developments in the following 2000 incidents of inter-religious violence: 18 persons were killed in the Bambam community of southern Gombe state when Christians attacked Muslims; approximately 200 persons were killed in Nayari, Kaduna state, when Christians rioted after finding the body of a person whom they believed to have been a Christian killed by Muslims; 1 person was killed in Borno state following an argument over the location of a church; 1 church was burned and 2 were vandalized in Sokoto following a pro-Shari'a rally by university students.

National/Racial/Ethnic Minorities

The country's population is ethnically diverse, and consists of more than 250 groups, many of which speak distinct primary languages and are concentrated geographically. There is no majority ethnic group. The four largest ethnic groups are the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta area are the fifth largest group, followed by the Kanuri in the far northeast and Tiv in the Middle Belt.

The Constitution prohibits ethnic discrimination by the Government. In addition the Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the Government and the armed forces by northerners and Muslims. The Government is an example of this diversity. Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government attempted to balance key positions and deputy positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued. The ethnic groups of the Niger Delta, in particular, continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Government of favoring Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity is practiced widely by members of all ethnic groups and is evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups (see Sections 1.a. and 2.c.)

There were significant interethnic clashes in Delta, Anambra, Bauchi, Plateau, Nassarawa, Rivers, Benue, Bayelsa, Akwa Ibom, Cross River, and Ebonyi States during the year. Often the competition was between local "indigene" and "immigrant" ethnic groups. Thousands of people were killed and injured during such fighting (see Sections 1.a.)

Section 6 Worker Rights

The Right of Association

The Constitution provides all citizens with the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association for the protection of their interests; however, several statutory restrictions on the right of association and on trade unions remained in effect despite repeals of parts of the

military-era antilabor decrees. Only a single central labor federation, the Nigerian Labour Congress (NLC) is legally permitted, and the Government recognizes only 29 trade unions. Trade unions must be registered formally by the Federal Government, and a minimum of 50 workers is required to form a trade union. Nonmanagement senior staff are prevented from joining trade unions, and senior staff associations are denied a seat on the National Labor Advisory Council (NLAC). The ILO Committee of Experts repeatedly has cited several of these restrictions. The Government has not amended the laws, but it has conducted discussions with senior staff associations concerning formal recognition and their accession to the NLAC.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers include members of the armed forces and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications sectors. Employees working in a designated export processing zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

According to figures provided by the NLC, total union membership is approximately 4 million. Less than 10 percent of the total work force is organized. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employs the bulk of the work force, is not organized. The informal sector, and small and medium enterprises, largely remain unorganized.

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement is composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended to dilute the bargaining strength of workers. Junior staff workers--primarily blue-collar workers--are organized into the 29 industrial unions, which are affiliated with the NLC; 21 associations make up the Senior Staff Associations of Nigeria (SESCAN), which renamed themselves the Trade Union Congress (TUC). The TUC has a claimed membership of approximately 400,000 to 600,000. The TUC, composed primarily of white-collar workers, has not been sanctioned officially by the Government, and is prohibited by statute from affiliating with the NLC. While the TUC lacks a seat on the NLAC, the Government allowed the TUC to operate openly. However, in 1999 SESCOAN, now the TUC, began to lay the legal and political groundwork to achieve government recognition, which will require formal action by the National Assembly.

In August 2000, the Government decertified the maritime workers union on the grounds that the union had not scheduled internal elections in accordance with its charter's requirement. The Government then issued directives requiring maritime workers to register with specific contracting firms. As a result this historically powerful union was weakened; however, it continued to challenge the Government's action during the year.

Workers have the right to strike; however, certain essential workers are required to provide advance notice of a strike. There were several strikes by such personnel during the year. In May and June, both doctors and university professors went on strike over wages, working conditions, and government investment in infrastructure. Both strikes were resolved following lengthy negotiations with government ministries. During the year, the Government committed itself to budgeting greater funds for development of the nation's health and education infrastructures.

During the year, there were smaller strikes over the increased use of contract labor and the lack of indigenous workers in management positions in the oil sector, particularly in the Niger Delta. The National Union of Petroleum and Natural Gas Workers (NUPENG) and its senior staff counterpart Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) particularly are concerned about the increasing use of contract labor and the number of indigenous workers in management positions.

In 2000 Lagos public sector workers went on strike to protest the state government's refusal to pay a higher minimum wage. A compromise package offered by the state was accepted by the workers; however, the local union leadership continued to press for more pay at year's end.

There are no laws prohibiting retribution against strikers

and strike leaders, but strikers who believe that they are victims of unfair retribution may submit their cases to the industrial arbitration panel (IAP), with the approval of the Labor Ministry. Lagos State Government terminated an important local union leader in Lagos, ostensibly for nonperformance, following an extended strike by state government workers. The IAP's decisions are binding on parties but may be appealed to the Nigerian Industrial Court (NIC). In practice the decisions of these bodies infrequently carry the force of law. Union representatives describe the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

The ILO cited a number of restrictions on freedom of association. These include: Requiring all registered labor unions to affiliate with a single central labor federation (the Nigerian Labor Congress); establishing a minimum of 50 workers to form a trade union; providing for the possibility of compulsory arbitration; giving the registrar broad powers to supervise trade union accounts; and giving the Government discretionary power to revoke the certification of a trade union due to overriding public interest.

The NLC and labor unions are free to affiliate with international bodies; however, prior approval from the Minister is required. The NLC has affiliated with the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively

The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining occurs throughout the public sector and the organized private sector. Complaints of antiunion discrimination may be brought to the Ministry of Labor for mediation, conciliation, and resolution. The Labor Minister may refer unresolved disputes to the IAP and the NIC (see Section 6.a.). Union officials have questioned the effectiveness and independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. The NIC was reconstituted this year with several new members, including a formerly imprisoned trade unionist, Milton Dabibi. Union leaders have criticized the arbitration system's dependence on the Labor Minister's referrals. The Labor Minister typically makes few referrals to the IAP. The IAP and NIC were active following the Government's appointment of new members; however, both suffered from a lack of resources.

A worker under a collective bargaining agreement may not participate in a strike unless his union complied with the requirements of the law, which include provisions for mandatory mediation and for referral of the dispute to the Government. The law allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the National Industrial Court. The law forbids any employer from granting a general wage increase to its workers without prior government approval. However, in practice the law does not appear to be enforced effectively; strikes, including in the public sector, are widespread (see Section 1.a) and private sector wage increases generally are not submitted to the Government for prior approval.

The Government retains broad legal authority over labor matters and often intervenes in disputes seen to challenge key political or economic objectives. However, the labor movement is increasingly active on issues affecting workers. During the year, the NLC spoke out on economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

The Government directed each state administration to establish its own salary structure based on its ability to pay and in accord with the national minimum wage (see Section 6.e.). During the year, many state governments found it difficult to pay the approximately \$60 (6,500 naira) monthly minimum wage to their employees, without massive layoffs or the elimination of "ghost workers" who appear on the employment rolls but not on the job. An EPZ remains under development in Calabar, Cross River State, and a second EPZ is planned for Port Harcourt, Rivers State. Workers and employers in such zones are subject to national labor laws, which provide for a 10-year amnesty on trade unions from the startup of an enterprise. The law provides that there shall be no strikes or lockouts for a period of 10 years following the commencement of operations within a zone. In addition the law allows the Export

Processing Zones Authority to handle the resolution of disputes between employers and employees instead of workers' organizations or unions. The 1992 Export Processing Zones Decree has been criticized by The ILO has criticized the law for not allowing any unauthorized person to enter any EPZ.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women and children for purposes of prostitution and forced labor is a problem (see Section 6.f.), and enforcement of the law is not effective.

The Government does not specifically prohibit forced and bonded labor by children; however, the law prohibits forced or compulsory labor, a prohibition that extends to children. Employment of persons under 18 years of age generally is prohibited, except for agriculture and domestic work. , There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries where children are trafficked to work as domestic servants (see Sections 5 and 6.f). The reports suggest that Nigerian children are trafficked to other African countries for domestic and agricultural work. Children from neighboring countries also are trafficked to Nigeria for work as domestic servants.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age of 13 under specific conditions.

Economic hardship leads high numbers of children in commercial activities aimed at enhancing meager family income. The ILO estimates that upward of 12 million children between the ages 10 and 14 (25 percent of all children) are employed in some capacity. Children frequently are employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants is common.

Private and government initiatives to stem the growing incidence of child employment continue but have been ineffective. UNICEF operates programs that remove young girls from the street hawking trade and relocate them to informal educational settings. UNICEF reported that despite the narrow focus on young girls, the program only began to address the problem during the year. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation. In August a formal agreement establishing the program was signed by the ILO and the Labor Ministry; however, the program had not shown any results by year's end due to logistical problems and changing personnel in the Ministry. On October 16 and 17, the Senate Committee on Women's Affairs and Youth held public hearings to investigate child labor, sex trading, and other forms of exploitation to which minors are subjected.

The Labor Ministry has an inspections department whose major responsibilities include enforcement of legal provisions relating to conditions of work and protection of workers. However, there are less than 50 inspectors for the entire country, and the Ministry conducts inspections only in the formal business sector, in which the incidence of child labor is not significant.

According to an ILO statement in 1998, and data from UNICEF, the incidence of trafficking in children for prostitution is growing (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The law sets a minimum wage, which is reviewed infrequently. Private sector minimum wages increased during the year to match the 2000 increase in the public sector wage scale; however, real private sector wages greatly exceed the minimum wage. In the first half of the year, the national police were not paid for several months.

In 2000 the minimum wage increased to \$75 (7,500 naira) per

month for federal workers and to \$55 to \$65 (5,000 to 6,500 naira) per month for state employees. Private employers in the formal sector track the public sector wage scale. Along with the many allowances that are paid, the increase appears sufficient to support a decent standard of living. However, many government agencies were slow to pay the new wage scale, and all federal salaries were frozen for 3 months during the summer, pending a census of government employees. Ghost workers (who appear on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. The Government increased federal salaries in 2000 without adequate consultations with state governments, whose employees demanded similar wages; as a result, several state governments maintained that they could not afford to pay this wage (see Section 6.b.). The issue of the minimum wage caused several labor disruptions throughout the year, and remains unresolved in several states.

The law calls for a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which are aimed specifically at young or female workers. It requires that the factory division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards; however, this agency is greatly, lacks basic resources and training, and consequently neglects safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Ministry often fails to reimburse inspectors for expenses incurred in traveling to inspection sites, and safety oversight of many enterprises often is neglected. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which is charged with enforcement of these laws, has been ineffective in identifying violators. The Government has failed to act on various ILO recommendations since 1991 to update its program on inspection and accident reporting. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons

No law makes trafficking in persons a crime. There is an active and growing market for trafficking in women and children within the region and to Europe. The country is a source, transit, and destination country.

The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe continued to report a steady flow of Nigerian women lured and sold into prostitution in Europe, particularly Italy, the Netherlands, Spain, and the Czech Republic. Italian authorities deported several hundred sex workers to Nigeria during the year. Other European countries deported smaller numbers of Nigerian trafficking victims. Nigerian Interpol claimed that some women entered the sex trade independently, were not controlled by syndicates, and were economically motivated. However, Human Rights Watch reported that according women's rights organizations, hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival many were forced into prostitution in order to pay off debts. In addition there is evidence that Nigerian crime syndicates may use indebtedness, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into sex work from attempting to escape or from contacting police and NGO's for assistance.

In January there were reports that hundreds of Nigerian girls are sold into sexual slavery and trafficked through England. The girls reportedly request asylum at British airports and are taken into the care of social services or foster care. A few weeks later the girls disappear and reportedly are trafficked to European countries, in particular Italy, where they are forced into prostitution.

During the year, there was at least one documented case of trafficking in children reported in Lagos; however, incidents of trafficking in Lagos and other major Nigerian cities are suspected to be commonplace. Child traffickers receive a monthly payment from the employer, part of which is to be remitted to the parents of the indentured child servant. Traffickers take advantage of a cultural tradition of "fostering," under which it is acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement.

Often the children in these situations only work and do not get any formal education; however, families who employ children as domestic servants also pay their school fees. They are forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sell their daughters into marriage as a means of supplementing their income (see Section 5).

According to ILO reports, there is an active and extensive trade in child laborers, some of whom are trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children are coerced into prostitution (see Section 5). Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of Nigeria and some southern states such as Cross Rivers and Akwa Ibom have been the sites of trafficking of children for labor and, in some cases, human sacrifice. The country remains a destination for the trafficking of Togolese children.

According to the Women Trafficking and Child Labor Eradication Foundation, an average of 60 Nigerian girls and women are repatriated every month. According to Titi Abubakar, the founder of WOTCLEF, many trafficking victims were involved in commercial sex, begging, menial jobs, or forced marriages

The Government has conducted few investigations into the alleged involvement of government officials in trafficking; however, allegations of such involvement is widespread. Some returnees have alleged that immigration officials actively connive with syndicates; however, there were no arrests of immigration officials for trafficking offenses during the year.

Draft legislation was under review in the National Assembly that would make trafficking a crime; however, no action was taken on it by year's end. There is government and societal acknowledgement that trafficking in women is a continuing problem, particularly to Europe. Police attempts to stem the trafficking of persons are inadequate and frequently focus on the victims of trafficking, who often are subjected to lengthy detention and public humiliation upon repatriation. Traffickers were identified and punished in only a few cases. Awareness campaigns, often conducted by spouses of prominent politicians or NGO's, only recently have begun to garner widespread attention. There are few statistics available to determine the success of antitrafficking campaigns. The development of a reliable statistical base for assessing the child trafficking problem began under ILO auspices. The Nigerian national program of the ILO-IPEC's regional trafficking program began in earnest in November 2001, after the ILO-IPEC completed an assessment of trafficking in Nigeria. The regional and Nigeria programs are funded completely by the U.S. Department of Labor.

In one of the few cases of prosecution for trafficking, Bisi Dan Musa, a prominent Lagos businesswoman and wife of a former presidential candidate, was arrested and charged with 19 counts of "child stealing" and "slave dealing;" 16 children between the ages of 1 and 4 reportedly were found in her custody. Her trial is ongoing.

In August 33 Nigerian women and children were repatriated from Conakry, Guinea, following the personal intervention of President Obasanjo. According to U.N. officials, trafficking agents offered the women between \$184 and \$1,802 (20,000 to 200,000 naira) and promised good jobs. Guinean authorities reportedly arrested 15 Nigerian trafficking suspects in the case, including a former police commissioner of Edo State; at year's end, they were extradited to Nigeria in October and at year's end were being tried by the Federal High Court.

On August 12, a Nigerian man was detained in Sokoto state for the alleged trafficking of 10 girls between the ages of 10 and 16. One of the girls reportedly said the man was taking them to work abroad in hairdressing salons.

Jeter